

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant (s): Donald A. Tomalia and Baohua Huang

Serial No.: 10/565,478

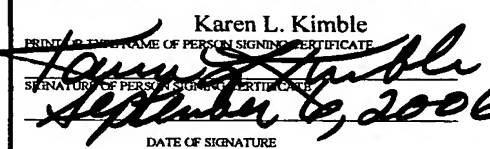
Filed: 20 January 2006

Examiner: Alain L. Bashore

Group Art Unit: 1762

Attorney Ref.: DNT-3 US

For: STABILIZED AND CHEMICALLY FUNCTIONALIZED NANOPARTICLES

|   |
|---|
| Express Mail mailing Label No. <u>EQ 399593764 US</u>   |
| Date: <u>September 6, 2006</u>  |
| I hereby certify that this paper or fee is being deposited with the United States Postal service<br>"Express Mail to Post Office Addressee" service under 37 CFR 1.10 on the date indicated above<br>and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231 |
| Karen L. Kimble<br>PRINTED NAME OF PERSON SIGNING CERTIFICATE   |
| <br>SIGNATURE OF PERSON SIGNING CERTIFICATE   |
| <u>September 6, 2006</u><br>DATE OF SIGNATURE   |

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

RESPONSE

This is a Response to Notice of Non-Compliant Amendment mailed August 8, 2006 and to which a response is required by September 8, 2006.

On January 20, 2006 a Preliminary Amendment was filed concurrently with a National Phase entry into the United States under 35 USC 371, which amendment was deemed non-compliant. This Response is to provide that prior documents with other amendments in the proper form.

In order to indicate priority for this US national phase application, Applicants request that the Cross Reference for Related Applications be inserted as shown below.

Additionally, Applicants now also wish to insert the reference to Federal funding as inserted below, which was inadvertently omitted earlier.

US Serial No. 10/565,478  
Filed 20 January 2006  
US National Phase from PCT

Additionally, Applicants are addressing Examiner Tim Meeks' remarks in his Notification of Transmittal of International Preliminary Report on Patentability mailed 21 June 2005.

|  |  |  |
|--|--|--|
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>  |  | ATTORNEY'S DOCKET NUMBER<br><b>DUT-3 US</b>                          |
|  |  | U.S. APPLICATION NO. (If known, see 37 CFR 1.5)<br><b>101565,428</b> |
| INTERNATIONAL APPLICATION NO.<br><b>PCT/US2004/023483</b>  | INTERNATIONAL FILING DATE<br><b>21 July 2004</b> | PRIORITY DATE CLAIMED<br><b>21 July 2003</b>                         |
| TITLE OF INVENTION<br><b>STABILIZED AND CHEMICALLY FUNCTIONALIZED PARTICLES</b>  |  |  |
| APPLICANT(S) FOR DO/EO/US<br><b>TOMALIA, Donald A. and HUANG, Boanua</b>   |  |  |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:  |  |  |
| 1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.  |  |  |
| 2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.   |  |  |
| 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. |  |  |
| 4. <input checked="" type="checkbox"/> The US has been elected (Article 31).   |  |  |
| 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))  |  |  |
| a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).  |  |  |
| b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.  |  |  |
| c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).   |  |  |
| 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).   |  |  |
| a. <input type="checkbox"/> is attached hereto.  |  |  |
| b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).   |  |  |
| 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))  |  |  |
| a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).   |  |  |
| b. <input checked="" type="checkbox"/> have been communicated by the International Bureau.   |  |  |
| c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.  |  |  |
| d. <input type="checkbox"/> have not been made and will not be made.   |  |  |
| 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).  |  |  |
| 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <i>previously submitted</i>   |  |  |
| 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).                              |  |  |
| Items 11 to 20 below concern document(s) or information included:  |  |  |
| 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. <i>previously submitted</i>   |  |  |
| 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.   |  |  |
| 13. <input checked="" type="checkbox"/> A preliminary amendment. <i>recorded</i>   |  |  |
| 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. <i>previously submitted</i>  |  |  |
| 15. <input type="checkbox"/> A substitute specification.   |  |  |
| 16. <input type="checkbox"/> A power of attorney and/or change of address letter. <i>previously submitted</i>  |  |  |
| 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.   |  |  |
| 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).   |  |  |
| 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).   |  |  |

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.


|   |              |   |         |                           |    |
|---|--------------|---|---------|---------------------------|----|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5)   |              | INTERNATIONAL APPLICATION NO.   |         | ATTORNEY'S DOCKET NUMBER  |    |
| 10/565,478  |              | PCT/US2004/023483   |         | DNT-3 US                  |    |
| 20. Other items or information:<br><i>Response to Notice of Non-Compliance with amendments to specification.</i>  |              |   |         |                           |    |
| The following fees have been submitted  |              |   |         | CALCULATIONS PTO USE ONLY |    |
| 21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300  |              |   |         | \$                        |    |
| 22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))  |              |   |         | \$                        |    |
| If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0   |              |   |         |                           |    |
| All other situations..... \$200   |              |   |         |                           |    |
| 23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))   |              |   |         | \$                        |    |
| If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0  |              |   |         |                           |    |
| Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100  |              |   |         |                           |    |
| International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400   |              |   |         |                           |    |
| All other situations..... \$500   |              |   |         |                           |    |
| TOTAL OF 21, 22 and 23 =  |              |   |         |                           |    |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)).<br>The fee is \$250 for each additional 50 sheets of paper or fraction thereof. |              |   |         |                           |    |
| Total Sheets  | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE    |                           |    |
| - 100 =   | /50 =        |   | x \$250 | \$                        |    |
| Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).   |              |   |         | \$                        |    |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA  | RATE    | \$                        |    |
| Total claims  | - 20 =       |   | x \$ 50 | \$                        |    |
| Independent claims  | - 3 =        |   | x \$200 | \$                        |    |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)   |              |   | + \$360 | \$                        |    |
| TOTAL OF ABOVE CALCULATIONS =   |              |   |         | \$                        |    |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.  |              |   |         |                           |    |
| SUBTOTAL =  |              |   |         | \$                        |    |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).   |              |   |         | \$                        |    |
| TOTAL NATIONAL FEE =  |              |   |         | \$                        |    |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property  |              |   |         | \$                        |    |
| TOTAL FEES ENCLOSED =   |              |   |         | \$                        |    |
|   |              |   |         | Amount to be refunded:    | \$ |
|   |              |   |         | Amount to be charged      | \$ |

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- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 503384 in the amount of \$ 100<sup>00</sup> to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 503384. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

  
SIGNATURE  
Karen L. Kimble  
NAME  
26,995  
REGISTRATION NUMBER